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Minnesota Supreme Court

Remarks to the Subcommittee on Courts, Intellectual Property,
and the Internet

United States House of Representatives
July 12, 2021

Boozhoo, Mr. Chairman, Ranking Member, and Members of the Subcommittee, I am honored to have the opportunity to address you today on the important topic of diversity and the federal judiciary. My name is Awaniikwe, proud descendent of the White Earth Nation and grateful daughter of the Leech Lake Reservation in rural Northwest Minnesota.

In English, my name is Anne McKeig—and I am the first indigenous woman ever to serve on any State Supreme Court in the history of this Nation.

In my native language, my tribal name means “mist woman,” which in our community is the blanket of mist in the morning that nurtures and protects the land across the White Earth Nation. I can speak from experience that we indigenous women are all “mist women”; we are protectors of our children, our spouses, and our communities. Yet, history and life experience tells us that despite being protectors, we far too often feel unprotected by systems that are supposed to protect us—including the federal judiciary. I could spend the remainder of my time rattling off the alarming statistics that illustrate why the federal judiciary contributes to our feelings and fears as indigenous women—such as the fact that only 4 indigenous people have ever served as federal judges since the Founding of this Republic. But my limited time is best spent focusing on what I believe to be the critical reason greater diversity is needed in the federal judiciary: fairness and legitimacy.

At the core of this constitutional republic is the notion of “self-governance”—the idea that we collectively govern ourselves and hold each other to account based on laws we enact through our elected representatives. When everyone can see themselves in our government, we fortify the government’s ability to meaningfully serve—and deepen trust—with the people. But when our judiciary is represented only by certain groups of people (with particular credentials based, in part, on access and privilege), however, we relegate others to feeling unworthy and undeserving of being part of that self-government. As a result, far too many people feel they are simply subject to our systems, rather than being a part of them. For example, when an indigenous mother enters a federal courthouse and always sees a white probation officer, white staff for pretrial services, a white judge, a white prosecutor, a white public defender, a white court reporter, dictating her destiny moving forward, she begins to believe this process is *not* legitimate or fair for her. It’s this experience that must be taken head on if we are to secure the essential role of the judiciary long term. When large groups of people begin to believe government systems are *illegitimate*, we’ve given birth to a direct threat to our constitutional republic and system of self-government. But when people have faith in and hold our systems as **legitimate and fair**, trust is deepened, which is essential to a project based on “consent of the governed.” That is the power of diversity in the judiciary.

Diversity in the judiciary isn’t simply about skin color. It goes to the very core of what we need to preserve the role of the judiciary—a belief among All OF US that we can wield power in creating and maintaining our REPUBLIC. In my view, to maintain the legitimacy of the federal judiciary for future generations (regardless of race, gender, or class), we must be open to considering and elevating candidates with non-traditional life experiences and credentials to serve in the federal judiciary. We must also value the role federal judges’ play—by their very

presence—in bolstering legitimacy in the eyes of litigants who often feel unprotected and unseen. Finally, we must encourage other indigenous people (and all underrepresented groups) that they are worthy of serving in the federal judiciary. For me, that was Minnesota state court judge Robert Blaeser. Judge Blaeser was the first Native American appointed to the district court bench in the Twin Cities of Minnesota. He is one of the people who encouraged me to apply to be a Justice on the Minnesota Supreme Court. He reminded me that I could become an example for others who, like myself, had a desire to serve but didn't follow the traditional route to the Bench.

I am grateful to have participated in this discussion along with my distinguished colleagues and members of Congress. I'm also thankful to have shared my story, and the stories of so many other indigenous women. As a jurist and protector of rights under law, I hope I've provided some insight into how we can make our federal judiciary an even better institution.

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